IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 18673 of 2007(W)

PETITIONER:

K.I.VIJAYAN, S/O.ITTIRY, AGED 44 YEARS,
KODOKKI VEETTIL, NADUVILKARA, VATANAPPILLY,
CHAVAKKAD, THRISSUR DISTRICT.

BY ADV. SRI.SHAJI P.CHALY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY (HOME), SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CIRCLE INSPECTOR OF POLICE, VANDOOR, MALAPPURAM DISTRICT.

3. SUB INSPECTOR OF POLICE, VANDOOR, MALAPPURAM DISTRICT.

4. PRABHAKARAN, S/O.K.IRACHAN, AGED 42 YEARS, KAADERI VEEDU, THIRUVALY P.O., VANDOOR, MALAPPURAM DISTRICT.

5. VISWANATHAN, S/O.KARUNAKARA NAIR, AGED 48 YEARS, CHULLIYILVARIYATHU THODU, THIRUVALY P.O., VANDOOR, MALAPPURAM DISTRICT.

ADDL. R6. THE SUPERINTENDENT OF POLICE, MALAPPURAM.

R7. ASSISTANT EXCISE COMMISSIONER, MALAPPURAM.

R8. C.K.VALLIKKUTTY, W/O.KORAPPAN, CHANAKKUNNATH HOUSE, KOZHIPARAMBU, VANDOOR, MALAPPURAM DISTRICT.

(ADDL. R6 TO R8 ARE IMPLEDED AS PER ORDER DATED 10.8.07 IN I.A. 10947/07)

BY ADV. SRI.T.KRISHNAN UNNI
SRI.SAJU.S.A
SRI.M.GOPIKRISHNAN NAMBIAR
GOVT. PLEADER, SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE ABKARI LICENSE ISSUED TO THE PETITIONER DURING THE YEAR 2007-08.

EXT. P2: COPY OF THE FIR BEARING NO.152/07 DATED 13/06/07.

EXT. P3: COPY OF THE COMPLAINT FILED BY THE PETITIONER.

RESPONDENT'S EXHIBITS:

EXT. R5(A): COPY OF THE REPRESENTATION FILED BY RESIDENTS OF THE AREA ON 04.06.2007 TO THE DISTRICT COLLECTOR.

EXT. R5(B): COPY OF THE COMMUNICATION DATED 22.06.2007 FROM THE EXCISE CIRCLE INSPECTOR, NILAMBUR TO ASSISTANT EXCISE COMMISSIONER, MALAPPURAM.

EXT. R5(C): COPY OF THE CERTIFIED ISSUED BY THE SECRETARY, THIRUVALY GRAMA PANCHAYATH DATED 26.06.2007.

EXT. R5(D): COPY OF THE CERTIFICATE ISSUED BY SECRETARY, THIRUVADI GRAMA PANCHAYATH DATED 26.06.2007.

EXT. R5(E): COPY OF THE COMPLAINT BEFORE THE DISTRICT COLLECTOR ON 14.06.2007.

EXT. R5(F): COPY OF THE STATEMENT OF VALLIKUTTY DATED 26.06.2007.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 18673 OF 2007-W

Dated 4th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

In view of the interim order passed by this Court on 20.9.2007, no further orders are required in this writ petition. It is made clear that the above order will not stand in the way of the local people moving the competent authority to cancel the licence or the said authority taking a decision thereon in accordance with law.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/